

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
<http://www.blm.gov>

September 5, 2008

In Reply Refer To:
3000 (WO300)P

EMS TRANSMISSION 09/12/2008
Information Bulletin No. 2008-107

To: All Field Offices and Executive Leadership Team
From: Assistant Director, Minerals and Realty Management
Subject: Bureau of Land Management (BLM) Energy and Mineral Policy

This Information Bulletin transmits the BLM Energy and Mineral Policy signed by the Director on August 26, 2008. This revised policy is based on input from the Bureau's Executive Leadership Team. The revised policy now includes Renewable Energy and a principle on split estate.

This updated policy (attached) will be incorporated with BLM Manual Section 3000. Please share this policy with employees and distribute at workshops and conferences, as appropriate.

In 1984, the BLM issued its first mineral policy. In 1993, Executive Order 12861 required Federal agencies to reduce their internal management regulations and directives by at least 50 percent. In 1995, as part of this effort, the 1984 Mineral Policy was eliminated. In 2006, the policy was updated and re-issued via Instruction Memorandum 2006-197.

If you have any questions, please contact me or Bob Anderson at 202-208-4201.

Signed by:

Michael D. Nedd
Assistant Director
Minerals and Realty Management

Authenticated by:

Robert M. Williams
Division of IRM Governance, WO-560

1 Attachment

1 - BLM Energy and Mineral Policy (2 pp)



BUREAU OF LAND MANAGEMENT—ENERGY AND MINERAL POLICY

This statement sets forth the Bureau of Land Management (BLM) policy for the management of energy and mineral resources on public lands, a component of the agency's multiple use mandate. The BLM seeks to implement its multiple use mission to balance various uses to achieve healthy and productive landscapes, including the development of energy and minerals in an environmentally sound manner.

This Energy and Mineral Policy reflects the provisions of six important acts of Congress relating to conventional, alternative, and renewable energy, and mineral resources, as follows:

The Domestic Minerals Program Extension Act of 1953 states that each department and agency of the Federal Government charged with responsibilities concerning the discovery, development, production, and acquisition of strategic or critical minerals and metals shall undertake to decrease further, and to eliminate wherever possible, the dependency of the United States on foreign sources of supply of such material.

The Mining and Minerals Policy Act of 1970 declares that it is the continuing policy of the Federal Government to foster and encourage private enterprise in the development of a stable domestic minerals industry and the orderly and economic development of domestic mineral resources. This act includes all minerals, including sand and gravel, geothermal, coal, and oil and gas.

The Federal Land Policy and Management Act of 1976 reiterates that the 1970 Mining and Minerals Policy Act shall be implemented and directs that public lands be managed in a manner that recognizes the Nation's need for domestic sources of minerals and other resources. It also mandates that "scarcity of values" be considered in land use planning.

The National Materials and Minerals Policy, Research and Development Act of 1980 requires the Secretary of the Interior to improve the quality of minerals data in Federal land use decision-making.

The Energy Policy Act of 2005 encourages energy efficiency and conservation, promotes alternative and renewable energy sources, reduces dependence on foreign sources of energy, increases domestic production, modernizes the electrical grid, and encourages the expansion of nuclear energy.

The Energy Independence and Security Act of 2007 to move the United States toward greater energy independence, to increase the production of clean renewable fuels, and support modernization of the nation's electricity transmission and distribution system.

The BLM recognizes that public lands are an important source of the Nation's energy and mineral resources, including renewable energy resources such as geothermal, wind, solar, and biomass. The public lands are also important for the siting of infrastructure facilities to support the development of energy and minerals resources. The BLM makes public lands available for orderly and efficient development of these resources under the principles of Multiple Use Management, and the concept of Sustainable Development as was defined at the World Summit on Sustainable Development in 2002, in Johannesburg, South Africa, where 192 countries, including the United States, endorsed its resolution on minerals.

The following principles will guide the BLM in managing energy and mineral resources on public lands:

1. The BLM land use planning and multiple-use management decisions will recognize that energy and mineral development can occur concurrently or sequentially with other resource uses, providing that appropriate stipulations or conditions of approval are incorporated into authorizations to prevent unnecessary or undue degradation, reduce environmental impacts, and prevent a jeopardy opinion.
2. Land use plans will incorporate and consider energy and geological assessments as well as energy and mineral potential on public lands through existing energy, geology and mineral resource data, and to the

extent feasible, through new mineral assessments to determine mineral potential. Partnerships with the National Renewable Energy Laboratory, Federal and State agencies, such as the U.S. Geological Survey and State Geologists, to obtain existing and new data will be considered.

3. Withdrawals and other closures of the public land must be justified in accordance with the Department of the Interior Land Withdrawal Manual 603 DM 1 and the BLM regulations at 43 CFR 2310. Petitions to the Secretary of the Interior for revocation of land withdrawals in favor of energy and mineral development will be evaluated through the land use planning process.
4. The BLM will work cooperatively with surface owners and mineral operators in recognizing their rights on split-estate lands. In the absence of a Surface Owner Agreement and in managing development of the Federal mineral estate on a nonfederal surface, the BLM will take into consideration surface owner mitigation requests from pre-development to final reclamation.
5. The BLM endorses Sustainable Development that encourages Social, Environmental, and Economic considerations before decisions are made on energy and mineral operations. The BLM actively encourages private industry development of public land energy and mineral resources, and promotes practices and technology that least impact natural and human resources.
6. The BLM will adjudicate and process energy and mineral applications, permits, operating plans, leases, rights-of-ways, and other land use authorizations for public lands in a timely and efficient manner and in a manner to prevent unnecessary or undue degradation. The BLM will require financial assurances, including long-term trusts, to provide for reclamation of the land and for other purposes authorized by law. Prior to mine closure, reclamation considerations should include partnerships to utilize the existing mine infrastructure for future economic opportunities such as landfills, wind farms, biomass facilities, and other industrial uses.
7. Energy and mineral-related permit applications will be reviewed consistent with the requirements of NEPA and other environmental laws. The BLM will work closely with Federal, State and Tribal governments to reduce duplication of effort while processing energy and mineral-related permit applications.
8. The BLM will monitor locatable, salable and leasable mineral operations and energy operations to ensure proper resource recovery and evaluation, production verification, diligence, and enforcement of terms and conditions. The United States will receive market value for its energy and mineral resources unless otherwise provided by statute, and royalty rates will be monitored and evaluated to protect the public interest.
9. The BLM will continue to develop e-Government solutions that will provide for electronic submission and tracking of applications and the use of GIS technology to support development of energy and mineral resources. The BLM will continue to provide public access to current mineral records, including spatial display of all types of authorizations and mineral resource and ownership data. Data systems, such as LR 2000, will be kept current and best management practices sought to reduce backlogs and to identify errors.
10. The BLM will strive to maintain a professional workforce in adjudication, energy, geology, and engineering to support energy and mineral development.
11. To the extent provided by law, regulation, secretarial order, and written agreement with the Bureau of Indian Affairs, the BLM will apply the above principles to the management of mineral resources and operations on Indian Trust lands in order to comply with its Trust Responsibilities.


James Caswell
Director

Date:

8/26/08